

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 04-0555-T-P

AT&T COMMUNICATIONS OF
WEST VIRGINIA, INC.

Petition for a declaratory ruling
to further define who can request
changes to telephone service.

STIPULATION OF PARTIAL SETTLEMENT

This Stipulation of Partial Settlement (“Stipulation”) is made effective as of the date set forth below by and among the Staff of the Public Service Commission of West Virginia (“Staff”), the Consumer Advocate Division of the Public Service Commission of West Virginia (“CAD”), AT&T Communications of West Virginia, Inc. (“AT&T”), Verizon West Virginia Inc. (“Verizon-WV”), and Sprint Communications Company, L.P. (“Sprint”) (collectively, the “Parties”);

WHEREAS, On April 14, 2004, AT&T petitioned the Public Service Commission of West Virginia (“Commission”) for a declaratory ruling regarding the proper individuals who can request changes in telephone services in compliance with Section 2.8 of the Commission’s *Rules and Regulations for the Government of Telephone Utilities*, 150 C.S.R. Series 6 (“*Telephone Rules*”);

WHEREAS, CAD, Verizon-WV and Sprint sought and were granted leave to intervene in this proceeding;

WHEREAS, the Parties have exchanged and discussed proposals for settling the issues framed in their pleadings and pre-filed testimonies filed with

the Commission and have agreed to a resolution of all (in the case of Sprint) or most (in the case of AT&T and Verizon-WV) of these issues;

NOW, THEREFORE, the Parties agree and stipulate as follows:

1. The Commission should grant AT&T and Verizon-WV, solely for business service, and Sprint, for both residential and business service, a limited and temporary exemption from the requirements of *Telephone Rule 2.8*, namely those provisions requiring changes in telephone service to be accepted only from a “customer of record.” This exemption shall remain in effect until further order of the Commission.”

2. *Residential service.* Under the terms of the temporary exemption provided for in Paragraph 1, Sprint, Staff and CAD agree that, with respect to residential telephone service, Sprint may accept changes in service from either the billed party or from the billed party’s spouse. Further, Sprint, Staff and CAD agree that Sprint’s sales or marketing scripts and third-party verification (“TPV”) scripts shall include information identifying whether the person authorizing a change in residential telephone service is either the billed party or the billed party’s spouse. As outlined in their testimony and pleadings of record, AT&T and Verizon-WV contend that the Commission should allow other authorized and responsible adults to make changes in residential telephone service, a position opposed by Staff and CAD. The Parties have presented this issue to to the Administrative Law Judge for resolution..

3. *Business service.* Under the terms of the temporary exemption provided for in Paragraph 1, the Parties agree that, with respect to business telephone service, AT&T, Verizon-WV and Sprint will accept changes in service

provided that the carriers' sales or marketing scripts and TPV scripts shall require the person authorizing such change to provide his or her full name, title and/or position.

4. The Parties agree that, for a period of no less than six (6) months from the date a change in telephone service becomes effective (typically the date of issuance of the first monthly telephone bill reflecting the change in service), AT&T, Verizon-WV and Sprint shall implement a "no questions asked" policy whereby, upon the carrier's receipt of information indicating that the billed party denies authorizing any change in telephone service, the carrier shall hold the billed party harmless for any fees or charges associated with the change in service and for any fees or charges associated with the reinstitution of the billed party's prior service. For purposes of this Paragraph, such information may be provided directly to the carrier by the billed party or indirectly to the carrier by a formal or informal complaint submitted by the billed party to either the Commission or to the Federal Communications Commission ("FCC").

5. Eighteen (18) months after the date the Administrative Law Judge's ("ALJ") decision approving this Stipulation becomes a final order of the Commission, each carrier that is a signatory to this Stipulation shall submit the information set forth below, detailing by customer class and calendar month, each incident in which a billed party submits a complaint, in accordance with Paragraph 4, alleging that a change in the customer's service was not authorized. The information required under this Paragraph shall be

deemed as having been sought pursuant to a continuing discovery request with an extended deadline for each carrier's response.

a. The name of the billed party for the telephone number(s) for which the change in service was made;

b. The applicable telephone number(s) or account number, if different from the telephone number(s);

c. The date of the transaction, or the date of the TPV, if different from the transaction date;

d. For residential service (applicable to Sprint under the temporary exemption provided for in Paragraph 2), the name of the person authorizing the change in service and an indication whether such person was the billed party or the billed party's spouse;

e. For business service, the name, title and/or position of the person authorizing the change in service;

f. The date on which the change in service became effective;

g. The date on which the first bill reflecting the change in service was issued by the carrier;

h. The date on which the carrier received notice that the billed party denies authorizing the change in service;

i. The resolution, if any, of the billed party's complaint regarding an unauthorized change in service; and

j. The date and amount of any refunds or credits are issued by the carrier to the billed party. If, for any reason, such refunds or credits are prorated or issued in part (e.g., re-rating toll charges followed by a subsequent

refund of switching fees or charges), the carrier shall provide the date and amount of each prorated or partial payment.

6. No later than sixty (60) days following the filing of the carriers' information required in Paragraph 5, the Parties and other interested persons may file comments in this docket regarding whether the temporary exemption established in this proceeding should be made permanent or otherwise incorporated in amendments to the Commission's *Telephone Rules*.

7. The Parties agree that any other carrier providing telecommunications service in West Virginia may opt into the temporary exemption established in this Stipulation, as subsequently approved with or without modification by the ALJ or Commission, by filing a verified statement formally adopting the Stipulation, subject to the ALJ's or Commission's decision in this proceeding. In addition, should the Commission deny the relief sought by AT&T and Verizon-WV regarding who should be considered the customer of record for purposes of residential telephone service, AT&T and Verizon-WV may opt into the temporary exemption established in Paragraph 2 of this Stipulation.

8. The Parties acknowledge that this Stipulation represents a negotiated compromise on difficult issues, and that the particular compromise reached here applies only to the unique circumstances involving changes in service under *Telephone Rule 2.8*, and only during the time period during which the temporary exemption established in this Stipulation applies. No Party binds itself to any position it may subsequently take regarding whether to make this exemption permanent or to reject or modify this exemption.

9. The Parties agree that each term of this Stipulation is an integral part of the whole. If this Stipulation is not accepted in full by the Commission, each party reserves the right to oppose any aspect of this Stipulation, including those aspects that the Commission has accepted without modification.

DATED: _____

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